

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**MITCHELL K. GREEN**

§

**VS.**

§

**CIVIL ACTION NO. 5:04cv63**

**COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION**

§

**MEMORANDUM ORDER**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

Plaintiff objects to the Magistrate Judge's recommendation that Plaintiff's above-entitled and numbered social security cause of action be affirmed. Specifically, Plaintiff asserts the Magistrate Judge failed to recognize that if the Plaintiff can only sit and stand in total combination for less than 8 hours in an 8-hour period of time, there is no job that a person could do in the national economy. Plaintiff further objects that the Magistrate Judge failed to recognize the severe physical and mental impairments that resulted in significant limitations. Finally, Plaintiff objects that the Magistrate Judge failed to recognize the cross-examination of the vocational expert, indicating there are no jobs that Plaintiff could perform.

After reviewing the transcript, the briefs of the parties, and the Report and Recommendation, the Court finds Plaintiff's objections are without merit. The Court is of the opinion that the findings

and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that the above-entitled Social Security action is **AFFIRMED**.

**SIGNED this 20th day of July, 2005.**

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE